

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY HOUSING AUTHORITY

SEPTEMBER 7, 2011

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.***

CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:00 p.m.

ROLL CALL

Councilmembers present:	Spriggs, Bragg, King
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bilbray
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

MOTION BY BILBRAY, SECOND BY KING, TO ADJOURN TO CLOSED SESSION UNDER:

- 1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**
Initiation of litigation pursuant to Government Code §54956.9(c) (2 cases)
- 2. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**
Significant exposure to litigation pursuant to Government Code §54956.9(b)(3)(A) (1 case)
- 3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Pursuant to Government Code §54957
Title: City Manager

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:01 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, City Attorney Lyon announced City Council considered Closed Session Items 1 (1 case), 2 and 3, direction was given and no reportable action was taken; With regard to the other Closed Session Item 1 (1 case), City Council voted unanimously to provide direction to legal counsel to initiate legal action; Once the City has filed the legal action, the details of the action would be disclosed to the public upon inquiry.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL

Councilmembers present:	Spriggs, Bragg, King
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	Bilbray
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MOTION BY KING, SECOND BY BILBRAY, TO REMOVE ITEM NO. 6.2 – LEAGUE OF CALIFORNIA CITIES RESOLUTIONS FOR THE SEPTEMBER ANNUAL CONFERENCE FROM THE AGENDA. MOTION CARRIED UNANIMOUSLY.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

None.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER BROWN reported that over 400 cement trucks will be entering and leaving Imperial Beach on September 14th to deliver cement for the foundation of the new hotel located on Seacoast Drive.

PUBLIC COMMENT

None.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.7)

MOTION BY BILBRAY, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.7. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Housing Authority meeting of June 1, 2011, the City Council Workshop Meeting of July 13, 2011 and the Regular City Council Meetings of July 20 and August 3, 2011.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 78871 through 78956 with the subtotal amount of \$738,092.54 and Payroll Checks 44095 through 44137 for the pay period ending 08/11/11 with the subtotal amount of \$299,020.49 for a total amount of \$1,037,113.03.

2.3 RESOLUTION NO. 2011-7074 – APPROVING AND ADOPTING A LETTER OF INTENT TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE MEMBERS OF THE IMPERIAL BEACH FIREFIGHTERS’ ASSOCIATION LOCAL 4692. (0540-20)

Adopted resolution.

2.4 RATIFICATION OF RESOLUTION AWARDDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT; TO WIT – SPORTS PARK SKATE PARK ELEMENT PERIMETER FENCE (CIP P07-10A). (0920-40)

Ratified resolution.

2.5 RESOLUTION NO. 2011-7082 – AMENDING THE MASTER FEE SCHEDULE TO INCLUDE AN ONLINE PAYMENT FEE AND AMENDING THE FISCAL YEAR 2011-12 BUDGET. (0330-30 & 0390-55)

Adopted resolution.

2.6 RESOLUTION NO. 2011-7083 – ADOPTING THE PUBLIC AGENCY RETIREMENT SERVICES (PARS) ALTERNATIVE RETIREMENT PLAN FOR PART TIME EMPLOYEES, DESIGNATING THE CITY MANAGER AS THE PLAN ADMINISTRATOR AND AUTHORIZING THE PLAN ADMINISTRATOR TO EXECUTE ALL DOCUMENTS RELATED TO PARS. (0520-70)

Adopted resolution.

2.7 RESOLUTION NO. 2011-7084 – APPROVING A FIVE-YEAR LEASE AGREEMENT FOR SIX COPY MACHINES WITH IKON/RICOH OFFICE SOLUTIONS. (1110-05)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4.1)

4.1 ORDINANCE 2011-1122 – AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 12.56 RELATING TO THE USE OF THE SKATEBOARD PARK. (0920-40 & 0920-95)

CITY MANAGER BROWN reported on the item.

MAYOR JANNEY called for the reading of the title of Ordinance No. 2011-1122.

CITY CLERK HALD announced no public speaker slips were submitted and read the title of Ordinance No. 2011-1122 “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA, AMENDING IMPERIAL BEACH MUNICIPAL CODE CHAPTER 12.56 RELATING TO USE OF SKATEBOARD PARK.”

MOTION BY BRAGG, SECOND BY BILBRAY, TO WAIVE FURTHER READING AND ADOPT ORDINANCE NO. 2011-1122 BY TITLE ONLY. MOTION CARRIED UNANIMOUSLY.

PUBLIC HEARINGS (5.1-5.3)

5.1 CODE ENFORCEMENT – WEED & RUBBISH ABATEMENT PUBLIC HEARING TO HEAR AND CONSIDER ALL OBJECTIONS TO THE PROPOSED REMOVAL OF WEEDS, RUBBISH, REFUSE, AND DIRT FROM 715 HOLLY AVENUE, 822 GEORGIA STREET, 1106 7TH STREET. (0680-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

CODE ENFORCEMENT OFFICER GARCIAS gave a Power Point presentation on the item and noted that the violations for the following properties were abated:

- 885 Encina Ave./902 9th Street
- 822 Georgia Street
- 642 Corvina Street

MAYOR JANNEY closed the public hearing.

CITY CLERK HALD announced no public speaker slips were submitted.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7079 APPROVING AND ALLOWING FOR THE ABATEMENT OF 715 HOLLY AVENUE, AND AUTHORIZING STAFF TO PROCEED WITH AND PERFORM THE NECESSARY ABATEMENT OF THE NUISANCE AND AUTHORIZING THE STAFF TO SIGN ANY AGREEMENTS OR TAKE ANY OTHER STEPS NECESSARY TO REMOVE THE WEEDS, RUBBISH, REFUSE, AND DIRT FROM 715 HOLLY AVENUE. MOTION CARRIED UNANIMOUSLY.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2011-7081 APPROVING AND ALLOWING FOR THE ABATEMENT OF 1106 7TH STREET, AND AUTHORIZING STAFF TO PROCEED WITH AND PERFORM THE NECESSARY ABATEMENT OF THE NUISANCE AND AUTHORIZING THE STAFF TO SIGN ANY AGREEMENTS OR TAKE ANY OTHER STEPS NECESSARY TO REMOVE THE WEEDS, RUBBISH, REFUSE, AND DIRT FROM 1106 7TH STREET. MOTION CARRIED UNANIMOUSLY.

COUNCILMEMBER KING encouraged property owners to maintain their properties.

5.2 PLANNING COMMISSION INTERPRETATION (PCI 110029) THAT DETERMINES THAT CERTAIN VENDING MACHINES ARE ALLOWED TO OPERATE OUTDOORS IN COMMERCIAL ZONES – MF 1048. (0610-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a Power Point presentation on the item.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2011-7078 APPROVING THE PLANNING COMMISSION INTERPRETATION 110029, WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES PARAMETERS FOR THESE USES. MOTION CARRIED UNANIMOUSLY.

5.3 RESOLUTION NO. 2011-7076 – APPROVAL OF THE FISCAL YEAR 2010-11 ANNUAL REPORT FOR THE JURISDICTIONAL URBAN RUNOFF MANAGEMENT PLAN (JURMP). (0770-65)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ENVIRONMENTAL PROGRAM MANAGER HELMER gave a Power Point presentation on the item.

No speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2011-7076 AUTHORIZING THE PUBLIC WORKS DIRECTOR TO SIGN AND FORWARD THE CITY'S JURISDICTIONAL URBAN RUNOFF MANAGEMENT PROGRAM (JURMP) ANNUAL REPORT FOR FISCAL YEAR 2010-11 TO THE REGIONAL WATER QUALITY CONTROL BOARD, SAN DIEGO REGION. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1-6.7)

6.1 PROPOSED TERMS AND CONDITIONS OF THE PROPOSED OWNER PARTICIPATION AGREEMENT (OPA) WITH HITZKE DEVELOPMENT CORPORATION FOR THE AMERICAN LEGION AFFORDABLE HOUSING PROJECT AT 1268 PALM AVENUE. (0640-20)

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY noted the developer fee listed on page 3 of the staff report should be corrected to read \$818,000 not \$199,000; and he reported that 9 residential units were added, increasing total costs by \$12,000.

COMMUNITY DEVELOPMENT DIRECTOR WADE reviewed the incentives/development regulation concessions for the project.

SUSAN COLA, Redevelopment Counsel, responded to questions of the Authority relating to the structure of the loan.

COUNCILMEMBER SPRIGGS requested an income statement or balance sheet for the project and he questioned who would manage the property.

GINGER HITZKE, developer, stated the apartments will be managed by a third party management company, the American Legion will manage their own property, there will be a reciprocal easement agreement and the Conditions Covenants and Restrictions will speak to how each property will be managed and maintained; she also stated that the City will review and approve the property management company as well as the management plan.

Consensus of the Housing Authority to direct staff to develop an Owner Participation Agreement for the development of an affordable mixed-use project at 1268 Palm Ave.

6.2 LEAGUE OF CALIFORNIA CITIES RESOLUTIONS FOR THE SEPTEMBER ANNUAL CONFERENCE. (0140-10)

Item removed from the agenda by prior City Council action.

6.3 PROPOSED PROJECT PROPOSALS FOR THE FISCAL YEAR 2012-2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM. (0650-34)

CITY MANAGER BROWN introduced the item and noted that the Graffiti Abatement Program is not a viable choice based on discussions with San Diego County staff.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a Power Point presentation on the item and recommended support for the 5th Street & Imperial Beach Boulevard Crosswalk project.

MIKE OSBORNE expressed concern about safety on Palm Ave. and 5th Street.

City Council discussion ensued. A majority of City Council expressed support for the crosswalk at 5th Street and Imperial Beach Blvd.

6.4 RESOLUTION 2011-7075 – APPROVING THE IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT (BID) ANNUAL REPORT FOR FY 10/11 AND SET A PUBLIC HEARING TO CONSIDER LEVYING THE BID ASSESSMENT FOR FISCAL YEAR 11/12. (0465-20)

CITY MANAGER BROWN introduced the item.

In response to Councilmember Bragg's questions, MIKE OSBOURNE stated the Chamber of Commerce is looking into printing an Imperial Beach business directory; her requests for a business directory map and her suggestion for tourism events will be brought up at a future BID meeting; he spoke of the difficulties in establishing quorum at BID meetings; and he was in support for a Christmas Tree Lane to bring people into Imperial Beach.

COUNCILMEMBER SPRIGGS spoke in support for an Imperial Beach business brochure for placement at the new hotel and for an improved Chamber of Commerce website.

COUNCILMEMBER BRAGG encouraged Mr. Osbourne to consider ways to directly improve businesses in Imperial Beach such as a map of businesses, a business directory, hosting seminars that are beneficial to the local business community, cleaning streets and sidewalks in front of businesses and purchasing additional trashcans.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7075, APPROVING THE IMPERIAL BEACH BUSINESS IMPROVEMENT DISTRICT ANNUAL REPORT AND DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESMENT FOR THE DISTRICT PURSUANT TO THE PARKING AND BUSINESS IMPROVEMENT AREA LAW OF 1989 AND SETTING A PUBLIC HEARING FOR OCTOBER 5, 2011. MOTION CARRIED UNANIMOUSLY.

6.5 FIRE ACT GRANT APPLICATION – FIRE/RESCUE PUMPER. (1120-05)

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR CLARK reported on the grant review process and spoke of the need for a new apparatus.

Consensus of City Council to authorize the City Manager to sign and submit the Assistance to Firefighters Grant requesting consideration for acquisition of one replacement rescue-pumper apparatus.

6.6 RESOLUTION NO. 2011-7077 – AUTHORIZING AGREEMENTS WITH URBAN SYSTEM ASSOCIATES, DUDEK & ASSOCIATES, AND POWER PLUS FOR CONSULTANT SERVICES FOR THE STATE ROUTE 75/DELAWARE AND 7TH STREETS INTERSECTION PROJECT. (0640-05)

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT DIRECTOR SELBY reported on the item.

MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7077 AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH URBAN SYSTEM ASSOCIATES, DUDEK & ASSOCIATES, AND POWER PLUS FOR WORK RELATED TO THE CITY/AGENCY COOPERATION AGREEMENT. MOTION CARRIED UNANIMOUSLY.

6.7 RESOLUTION NO. 2011-7086 – AWARDED CONTRACT FOR 9TH AND PALM CENTER DEMOLITION - MIRACLE SHOPPING CENTER PROPERTY CIP R05-20A. (0640-10)

CITY MANAGER BROWN introduced the item and stated the second lowest bidder is the most responsible bidder.

CITY ATTORNEY LYON reported that the lowest value bid was determined non responsive because they did not acknowledge a bid addendum; the action tonight will deem the lowest value bid as non responsive and will accept the second lowest value bid; she recommended that the City Council consider the original staff report and resolution that was provided in the agenda packet rather than the revised staff report and resolution that was provided as last minute information; she removed the 9th and 10th recitals from the original resolution as the funds to pay for the demolition contract is already in the City's general fund and the City will not be utilizing funds under the cooperation agreement with the Redevelopment Agency.

MOTION BY JANNEY, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7086, APPROVING THE AWARD OF CONTRACT FOR 9TH & PALM CTR DEMOLITION – MIRACLE SHOPPING CENTER PROPERTY – CIP R05-20A AS MODIFIED BY THE CITY ATTORNEY. MOTION CARRIED UNANIMOUSLY.

ITEMS PULLED FROM THE CONSENT CALENDAR

None.

ADJOURNMENT

Mayor Janney adjourned the meeting at 8:06 p.m.

/s/
James C. Janney, Mayor

/s/
Jacqueline M. Hald, MMC
City Clerk